

By

Cain

H.B. No. \_\_\_\_\_

## A BILL TO BE ENTITLED

## AN ACT

relating to obtaining approval of the Texas Water Rights Commission before making changes in existing improvements used for water supply; amending Article 7495, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 7495, Revised Civil Statutes of Texas, 1925, is amended to read as follows:  
Article 7495. APPROVAL FOR ALTERATIONS REQUIRED. Any person, association of persons, corporation, river authority, water conservation and reclamation district, water control and improvement district, water improvement district, water control and preservation district, fresh water supply district, levee improvement district, drainage district, navigation district, irrigation district, and any type of water district created pursuant to Section 59 of Article XVI or Section 52 of Article III of the Constitution of the State of Texas, desiring to alter, enlarge, extend, or make an addition to any canal, ditch, dam, reservoir, or other work must have the plans for the proposed changes approved by the Texas Water Rights Commission before the changes may be made. This article applies even though the proposed changes do not contemplate, or will not result in, an increased appropriation, or the use of a larger volume of water."

Sec. 2. The fact that this statute did not clearly outline the duty of an appropriator concerning alterations to his facilities; the fact that the statute did not clearly outline the power of the commission concerning what could be done about increases in the size of facilities; the fact that it is absolutely imperative that the commission have accurate records concerning the size of out-take facilities on public streams in this state; the importance of this legislation; and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

**COMMITTEE REPORT**

Date 5/2

**HON. BEN BARNES**

Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation & Reclamation, to whom was referred HB No. 137, have had the same under consideration

and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

Wesley C. Murray  
Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

BILL ANALYSIS OF SUBSTITUTE

(1) Background information:

Under present Texas law, it is impossible to tell exactly when it is necessary to file plans for alterations in existing facilities of water districts with the Texas Water Rights Commission. It is possible that much water appropriation be carried out under the guise of an alteration which did not substantially increase the volume of water being used.

(2) What the Bill proposes to do:

Present statutes require the filing of a detailed plan with the Board of Water Engineers for alterations in existing facilities only when those alterations would result in an increased appropriation, or the use of a larger volume of water. This bill requires that all plans for altering existing facilities of water districts be first approved by the Texas Water Rights Commission.

(3) Section by section analysis:

Section 1. States that all plans for altering existing facilities of water districts be first approved by the Texas Water Rights Commission.

(4) In Committee:

The bill was heard by the full Committee and sent to a subcommittee. The subcommittee offered a committee substitute which was adopted. By unanimous vote the bill was sent back to the House with the recommendation that it do pass and be not printed. Committee Substitute is to be printed in lieu of the original bill.

COMMITTEE AMENDMENT

NO. 1

COMMITTEE AMENDMENT NO. 1

*Solomon*

Amend H.B. 137 by striking out all below the Enacting Clause and inserting in lieu thereof the following:

905 - /  
Section 1. Article 7495, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 7495. APPROVAL FOR ALTERATIONS, ETC.  
All holders of permits and certified filings must obtain the approval of the Texas Water Rights Commission prior to making any alterations, enlargement, extension or other change to any reservoir, dam, main canal, or diversion works upon which a permit has been granted or a certified filing recorded. A detailed statement and plans for alterations or changes shall be filed with the Texas Water Rights Commission and its approval obtained before the alterations or changes are made. This article does not apply to the ordinary maintenance or emergency repair of the facility."

~~Section~~ 2. The fact that this statute did not clearly outline the duty of an appropriator concerning alterations to his facilities; the fact that the statute did not clearly outline the power of the commission concerning what could be done about increases in size of facilities; the fact that it is absolutely imperative that the commission have accurate records concerning the size of out-take facilities on public streams in this state; the importance of this legislation; and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

DATE MAY 12 1967

READ AND ADOPTED

*Dorothy Hallman*  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

*JK 5/12/67*

*Am*

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Sec. 2. The fact that this statute did not clearly outline the duty of an appropriator concerning alterations to his facilities; the fact that the statute did not clearly outline the power of the commission concerning what could be done about increases in size of facilities; the fact that it is absolutely imperative that the commission have accurate records concerning the size of out-take facilities on public streams in this state; the importance

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of this legislation; and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

Austin, Texas

May 23, 19 67

Hon. Preston Smith  
President of the Senate

Sir:

We, your Committee on Water and Conservation,  
to which was referred H B. No. 137, have had the same  
under consideration, and I am instructed to report it back to  
the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

  
Parkhouse

Chairman

CAS

ENROLLED

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Sec. 2. The fact that this statute did not clearly outline the duty of an appropriator concerning alterations to his facilities; the fact that the statute did not clearly outline the power of the commission concerning what could be done about increases in size of facilities; the fact that it is absolutely imperative that the commission have accurate records concerning the size of out-take facilities on public streams in this state; the importance



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Lieutenant Governor  
President of the Senate

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Speaker of the House

I hereby certify that H.B. No. 137 was passed by the House on May 12, 1967, by a non-record vote.

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Chief Clerk of the House

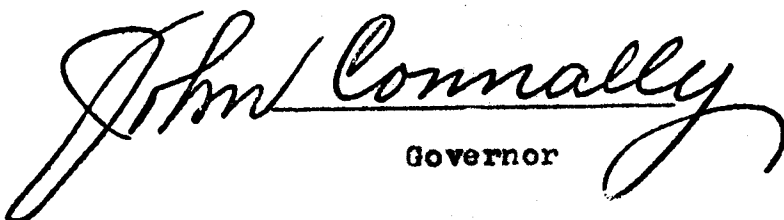
I hereby certify that H.B. No. 137 was passed by the Senate on May 25, 1967, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

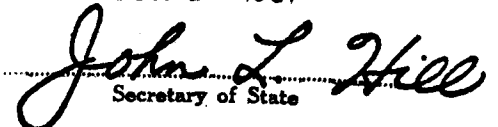
APPROVED: \_\_\_\_\_

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
18:25pm O'CLOCK

JUN 17 1967

  
Secretary of State

H.B. No. 137 By Cain

C

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FILED

JAN 23 1967

JAN 25 1967 READ 1ST TIME  
AND REFERRED TO COMMITTEE ON  
Conservation &  
Reclamation

MAY 4 1967

REPORTED FAVORABLY

AS AMENDED

SENT TO PRINTER

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 2:30 P.M. MAY 4 1967  
(Time) (Date)

MAY 12 1967

READ SECOND

TIME Unrecorded AND

ORDERED non-record vote ENGROSSED by

Dorothy Hallman

Chief Clerk, House of Representatives



MAY 12 1967

Regular order of business suspended by unanimous consent to permit consideration.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 12 1967

Read this time

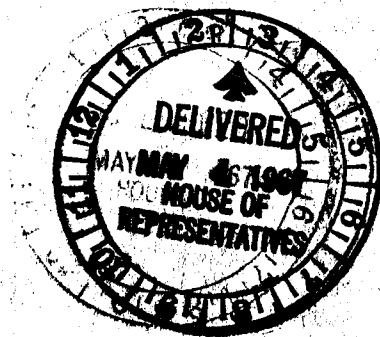
and passed  
by following vote non-record

Name

Dorothy Hallman

Chief Clerk

HOUSE OF REPRESENTATIVES



MAY 12 1967

SENT TO ENGROSSING CLERK

By: Cain

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A BILL TO BE ENTITLED

AN ACT

relating to obtaining approval of the Texas Water Rights Commission before making changes in existing improvements used for water supply; amending Article 7195, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

1-23-67 Filed.

1-25-67 Read first time and referred to Committee on Conservation and Reclamation.

5-4-67 Reported favorably as amended, sent to printer.

5-4-67 Printed, distributed and referred to Committee on Rules at 2:30 p.m.

5-12-67 Read second time, amended and ordered engrossed by a non-record vote.

5-12-67 Regular order of business suspended by unanimous consent to permit consideration.

5-12-67 Read third time and passed by a non-record vote.

Dorothy Hallman  
Chief Clerk, H. of R.

5-12-67 Sent to Engrossing Clerk.

5-12-67 Engrossed.

Engrossing Clerk, H. of R.

MAY 15 1967 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 15 1967

IN THE SENATE  
Received from the House

MAY 16 1967 Read first time  
and referred to Committee  
on Water and Conservation

MAY 25 1967

Senate Rule 32 and  
Constitutional Rule (Sec. 32, Art. III)  
suspended by a vote of 31 yeas,  
0 nays, to place bill on third  
reading and final passage.

MAY 25 1967

READ THIRD TIME AND PASSED  
BY THE FOLLOWING VOTE;

Yeas 31 Nays 0

Charles Schnabel  
Secretary of the Senate

MAY 25 1967

READ SECOND TIME,

AND PASSED TO THIRD READING.

MAY 25 1967

SENT TO HOUSE

MAY 25 1967

RETURNED FROM SENATE

*Dorothy Hallman*

Chief Clerk, House of Representatives

MAY 25 1967

SENT TO ENROLLING CLERK